

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 317

Introduced by Assembly Member Salinas

February 7, 2003

An act to amend Section 78636 of the Food and Agricultural Code, relating to food and agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 317, as amended, Salinas. Food and agriculture: tomatoes.

Existing law defines tomatoes to mean all tomatoes that are produced for commercial purposes and are handled within the state in fresh form, except cherry tomatoes, and tomatoes grown in a greenhouse. Existing law requires every person who handles tomatoes in any quantity to keep specified records and requires that these records be offered and submitted for inspection, as specified. Existing law makes it a misdemeanor to fail to keep and furnish these records as required.

This bill would include cherry tomatoes *and tomatoes grown in a greenhouse* in the definition of tomato *if approved by the producers and handlers of those tomatoes pursuant to a referendum*. By expanding the group of people subject to the above reporting requirements, this bill would expand the scope of an existing crime, and, thus, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 78636 of the Food and Agricultural
2 Code is amended to read:

3 78636. (a) “Tomatoes” means all tomatoes that are produced
4 for commercial purposes and are handled within the state in fresh
5 form, except *cherry tomatoes and* tomatoes grown in a
6 greenhouse.

7 (b) For purposes of this section, “tomatoes grown in a
8 greenhouse” means tomatoes grown in a fixed steel structure
9 using irrigation and climate control, in an artificial medium that
10 substitutes for soil.

11 (c) *Cherry tomatoes and tomatoes grown in a greenhouse may*
12 *be included in the definition of tomatoes in subdivision (a) if*
13 *approved by the producers and handlers of those tomatoes*
14 *pursuant to a referendum conducted in accordance with the*
15 *procedures in Article 5 (commencing with Section 78690) of Part*
16 *2 of Division 22.*

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

